IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

In re: THERON T. RICHARDS — Case No. 16-34329-KLP
Chapter 13

Debtor.

THERON T. RICHARDS,
Plaintiff,

v.

SUZANNE E. WADE, TRUSTEE,
Defendant.

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

Theron T. Richards, (the "Debtor"), by counsel, pursuant to 11 U.S.C. § 362 and files the following Motion for Relief from the Automatic Stay and affirmatively states as follows:

1. Jurisdiction of this Court over the instant matter is based upon 11 U.S.C. §362 (d)-(f) and 28 U.S.C. §1334 and 157.

2. The Debtor filed a petition under Chapter 13 on August 31, 2016.

3. The Defendant Suzanne E. Wade, has been appointed as the Chapter 13 Trustee.

4. The Debtor wishes to commence a civil action for the dissolution of his marriage and the equitable distribution of marital property, including property that is, or may become, property of the estate (the "Divorce Case"), but is prevented from doing so by the automatic stay.

Hunter R. Wells, VSB No. 82791
Canfield, Baer & Heller LLP
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Richmond, VA 23230
Phone: (804) 673-6600
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Email: hwells@canfieldbaer.com
Counsel for Theron T. Richards

5. Cause exists for modifying the automatic stay to allow the Debtor to commence the Divorce Case in state court.

6. The Debtor will seek further approval of this Court if a settlement, through a separation agreement or equitable distribution of marital property, is reached in the Divorce Case.

WHEREFORE, for the foregoing reasons, Theron T. Richards respectfully requests this Honorable Court to enter an Order modifying the automatic stay to allow him to commence the civil action for the dissolution of his marriage, and for the equitable distribution of his marital property, including property that is, or may become, property of the estate, and for such other and further relief as to the Court shall be deemed appropriate.

Respectfully submitted,

THERON T. RICHARDS

By: /s/ Hunter R. Wells
Counsel

Hunter R. Wells, VSB No. 82791
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2201 Libbie Avenue, Suite 200
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Counsel for Theron T. Richards

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In re: THERON T. RICHARDS

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Chapter 13

Debtor.

5109 Cobblestone Landing Place
Glen Allen, VA 23059
SSN / ITIN: xxx-xx-8812

NOTICE OF MOTION FOR RELIEF FROM THE AUTOMATIC STAY

PLEASE TAKE NOTICE that Theron T. Richards has filed a Motion for Relief from the Automatic Stay with the Court pursuant to 11 U.S.C. 362.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to grant the relief requested in the Motion, or if you want the Court to consider your views on the Motion, then within fourteen (14) days from the date of this Notice, you or your attorney must:

■ File with the Court, at the address shown below, a written request for a hearing [or a written response pursuant to Local Bankruptcy Rule 9013-1(h)]. If you mail your request for hearing (or response) to the court for filing, you must mail it early enough so the Court will receive it on or before the date stated above.

Clerk of the Court
United States Bankruptcy Court
Eastern District of Virginia, Richmond Division
701 E. Broad Street
Richmond, VA 23219

You must also mail a copy to:

Hunter R. Wells, Esquire
Canfield, Baer & Heller,LLP
2201 Libbie Avenue, Suite 200
Richmond, VA 23230

Suzanne E. Wade, Esquire
Chapter 13 Trustee
P.O. Box 1780
Richmond, VA 23218-1780

■ Attend the hearing to be scheduled by the Court. You will receive a separate notice of hearing. **If no timely response has been filed opposing the relief requested, the Court may grant the relief without holding a hearing.**

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion and may enter an order granting the request of Theron T. Richards.

Date: November 23, 2016

THERON T. RICHARDS

By: /s/ Hunter R. Wells
Counsel

Hunter R. Wells, VSB No. 82791
Canfield, Baer & Heller LLP
2201 Libbie Avenue, Suite 200
Richmond, VA 23230
Phone: (804) 673-6600
Fax : (804) 673-6604
Email: hwells@canfieldbaer.com
Counsel for Theron T.Richards

CERTIFICATE OF SERVICE

I certify that on November 23, 2016, I have transmitted a true copy of the foregoing document electronically through the Court's CM/ECF system or by mail to the Debtor(s), Chapter 13 trustee, the United States trustee if other than by the electronic means provided for at LBR 2002-1, and to all creditors and parties in interest of the mailing matrix attached hereto.

/s/ Hunter R. Wells
Hunter R. Wells

Barclays Bank Delaware
P.O. Box 8803
Wilmington, DE 19899-0000

BMW Bank of North America
P.O. Box 78066
Phoenix, AZ 85062-8066

BMW Bank of North America
P.O. Box 201347
Arlington, TX 76006

BMW Financial Services NA, LLC
P.O. Box 165028
Irving, TX 75016

Capital One
P.O. Box 30281
Salt Lake City, UT 84130-0281

Capital One Bank (USA), N.A.
PO Box 71083
Charlotte, NC 28272-1083

Chase Mortgage
P.O. Box 24696
Columbus, OH 43224-0696

Comenity Bank/ARHAUS
P.O. Box 182789
Columbus, OH 43218-2789

Discov. Counseling-Consulting
c/o Lane & Hamner
3520 Courthouse Road
Richmond, VA 23236-0000

Discov. Counseling-Consulting
4118 E Parham Road
Henrico, VA 23228-0000

Discovery Counseling & Consulting
Lane & Hamner, P.C.
3520-A Courthouse Road
North Chesterfield, VA 23236

Dominion Dermatology PC
c/o Focused Recovery Solutions
9701 Metropolitan Ct, Suite B
Richmond, VA 23236-0000

Glasser and Glasser
P.O. Box 3400
Norfolk, VA 23514-0000

IRS
P.O. Box 7346
Philadelphia, PA 19101-7346

Nordstrom/TD Bank
8502 E. Princess Dr
Ste 150
Scottsdale, AZ 85255-5488

Onemain
605 Munn Road
FT Mill, SC 29715

OneMain Financial
6801 Colwell Blvd.
Attn C/S Care Dept
Irving, TX 75039-3198

Synchrony Bank
c/o of Recovery Management Systems Corp
25 S.E. 2nd Avenue, Suite 1120
Miami, FL 33131-1605

Synchrony Bank
c/o Midland Funding
2365 Northside Dr, Ste 30
San Diego, CA 92108-0000

Twin Hickory HOA
c/o Shawver Perez, PLLC
4870 Sadler Road, Ste. 300
Glen Allen, VA 23060-0000

U.S. Trustee's Office
701 E. Broad Street
Suite 4000
Richmond, VA 23219-0000

Union First Market Bank
P.O. Box 940
Ruther Glen, VA 22546-0000

Virginia Department of Tax
P.O. Box 760
Richmond, VA 23218-0760

Wells Fargo Bank, NA
c/o Brock & Scott PLLC
1315 Westbrook Plaza Drive
Winston Salem, NC 27103-0000

Wells Fargo Card Services
Credit Buru Dispute Resolution
P.O. Box 14517
Des Moines, IA 50306-3517

World Financial Network Bank
c/o Portfolio Recovery Assoc.
120 Corporate Blvd, Ste 1
Norfolk, VA 23502-0000

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THERON T. RICHARDS,
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v.

SUZANNE E. WADE, TRUSTEE,
Defendant.

ORDER GRANTING RELIEF FROM STAY

UPON CONSIDERATION of the motion filed by Theron T. Richards., the Debtor/Plaintiff herein, by counsel, for Motion for Relief from Stay against the Trustee/Defendant, Suzanne E. Wade; notice having been given to all parties in interest and creditors in this case; no response having been received by this Court or the Debtor; the Chapter 13 Trustee having consented to the relief requested as evidenced by her endorsement below; and

IT APPEARING that good cause exists for relief from the automatic stay; it is

ORDERED that the automatic stay imposed by 11 U.S.C. §362 is modified to permit the Debtor/Plaintiff to commence a civil action for the dissolution of his marriage and the equitable distribution of marital property, including property that is, or may become, property of the estate.

____
Hon. Keith L. Phillips
United States Bankruptcy Judge

Entered on Docket: ____________

I ask for this:

/s/ Hunter R. Wells
Hunter R. Wells, VSB No. 82791
Canfield, Baer & Heller LLP
2201 Libbie Avenue, Suite 200
Richmond, VA 23230
Phone: (804) 673-6600
Fax : (804) 673-6604
Email: hwells@canfieldbaer.com
Counsel for Theron T. Richards

Seen and Agreed:

____
Suzanne E. Wade
P.O. Box 1780
Richmond, VA 23218-1780
Chapter 13 Trustee

CERTIFICATION

The undersigned certifies that the foregoing Order Granting Relief from Stay is identical to the form order required by Administrative Order and that modifications reflect the nature of relief asked for. The undersigned further certifies that this order has been endorsed by all necessary parties.

By: /s/ Hunter R. Wells .
Counsel

Copy to:

Hunter R. Wells
Canfield, Baer & Heller LLP
2201 Libbie Avenue, Suite 200
Richmond, VA 23230

Suzanne E. Wade
P.O. Box 1780
Richmond, VA 23218-1780